

In the Matter of

Acumen Communications

Licensee of Station WQHT586,
Los Angeles, CA

File No.: EB-FIELDWR-13-00009105
NAL/Acct. No.: 201432900004
FRN: 0016049017

FORFEITURE ORDER

Released: July 29, 2014

By the Regional Director, Western Region, Enforcement Bureau:

1. We assess a \$10,000 penalty against Acumen Communications (Acumen) for operating a land mobile station on two unauthorized frequencies. Acumen failed to respond to the Notice of Apparent Liability issued to it for the unauthorized operation. Unauthorized operations undermine the Commission's radio licensing system and potentially cause interference to licensed communications, including public safety channels. Accordingly, prompt and stringent enforcement action is warranted.

2. Specifically, we issue a monetary forfeiture to Acumen, licensee of Station WQHT586 in Los Angeles, California, for willful and repeated violation of Section 301 of the Communications Act of 1934, as amended (Act),¹ and Section 1.903(a) of the Commission's rules (Rules),² for the operation of Station WQHT586 on a frequency pair not authorized by its license.

3. On April 9, 2014, the Enforcement Bureau's Los Angeles Office issued a Notice of Apparent Liability for Forfeiture and Order (*NAL*) proposing a forfeiture in the amount of \$10,000 to Acumen for operating Station WQHT586 in May and June of 2013 on a frequency pair not authorized by its license.³ Acumen has not filed a response to the *NAL*.⁴ Acumen did, however, acknowledge the unauthorized operation to FCC agents prior to the issuance of the *NAL*.⁵ Based on the information before us, we affirm the forfeiture.

4. **ACCORDINGLY, IT IS ORDERED** that, pursuant to Section 503(b) of the Act⁶ and Sections 1.111, 1.204, 1.311, 1.314, and 1.80(f)(4) of the Rules,⁷ Acumen Communications **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of ten thousand dollars (\$10,000) for violations of Section 301 of the Act and Section 1.903(a) of the Rules.⁸

¹ 47 U.S.C. § 301.

² 47 C.F.R. § 1.903(a).

³ *Acumen Communications*, Notice of Apparent Liability for Forfeiture and Order, 29 FCC Rcd 3712 (Enf. Bur. 2014).

⁴ Acumen was also directed to submit, no later than thirty (30) calendar days from the date of the *NAL*, “a statement signed under penalty of perjury confirming compliance with the Act, the Rules, and its license.” *Id.* at 3712, para. 2. Acumen has failed to comply with this direction. Consequently, this failure will be dealt with in a separate proceeding.

⁵ *Id.* at 3713, para.4. *See also* Response to Notice of Violation of Acumen Communication, at 1 (Aug. 13, 2013) (on file in EB-FIELDWR-13-00009105).

⁶ 47 U.S.C. § 503(b).

⁷ 47 C.F.R. §§ 0.111, 0.204, 0.311, 0.314, 1.80(f)(4).

⁸ 47 U.S.C. § 301; 47 C.F.R. § 1.903(a).

5. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within thirty (30) calendar days after the release date of this Forfeiture Order.⁹ If the forfeiture is not paid within the period specified, the case may be referred to the U.S. Department of Justice for enforcement of the forfeiture pursuant to Section 504(a) of the Act.¹⁰ Acumen Communications shall send electronic notification of payment to WR-Response@fcc.gov on the date said payment is made. The payment must be made by check or similar instrument, wire transfer, or credit card, and must include the NAL/Account Number and FRN referenced above. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted.¹¹ When completing the FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters "FORF" in block number 24A (payment type code). Below are additional instructions you should follow based on the form of payment you select:

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

6. Any request for full payment over time under an installment plan should be sent to: Chief Financial Officer—Financial Operations, Federal Communications Commission, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554.¹² If you have questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

7. **IT IS FURTHER ORDERED** that a copy of this Forfeiture Order shall be sent by both Certified Mail, Return Receipt Requested, and First Class Mail, to Acumen Communications, at 10670 S. La Cienega Blvd., Suite C, Inglewood, CA 90304.

FEDERAL COMMUNICATIONS COMMISSION

Rebecca L. Dorch
Regional Director, Western Region
Enforcement Bureau

⁹ 47 C.F.R. § 1.80.

¹⁰ 47 U.S.C. § 504(a).

¹¹ An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

¹² See 47 C.F.R. § 1.1914.